IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRL.MISC.NO.48670-M OF 2006

DATE OF DECISION: SEPTEMBER 28, 2006

Ashok Kumar

....PETITIONER

VERSUS

State of Haryana

...RESPONDENT

CORAM : HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.H.S.Gill,Sr. Advocate,
with Mr.Vivek Goyal, Advocate,
for the petitioner.
Mr.Partap Singh, Sr.DAG, Haryana.

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Petitioner Ashok Kumar has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.77 dated 29.4.2004 registered under Sections 302/201/120-B IPC at Police Station Hassanpur, District Faridabad. This is second petition for bail filed by the petitioner. The earlier petition was dismissed as withdrawn by this Court on 16.12.2004.

I have heard the counsel for the parties and gone through the contents of the FIR as well as the order dated 28.9.2004 passed by the Additional Sessions Judge, Faridabad.

As per the prosecution version, during the course of investigation, petitioner Ashok Kumar was found involved in the conspiracy of murder of his daughter Anita. As per prosecution version, Om Parkash, Lala son of Itwari, Devinder son of Om Parkash and Shri Chand son of Thakur Dass, committed the murder of Anita with the conspiracy of the petitioner as she was having love affair with deceased Rohtash.

Counsel for the petitioner contends that there was a love affair between Rohtash and Anita. Rohtash was found dead near the drain on 28.4.2004. The FIR was lodged by his father. At the same time, Anita,

daughter of the petitioner, also ended her life by committing suicide after knowing about the death of her lover Rohtash as she considered herself responsible for his death. Counsel for the petitioner further contends that the petitioner is in custody since 15.5.2004. Counsel also contends that co-accused of the petitioner, namely, Om Parkash and Siri Chand, who are the main accused, have been granted regular bail by this Court vide order dated 28.7.2006 passed in Crl.Misc.No.37295-M of 2006. He further contends that another co-accused Devinder has also been granted bail by this Court vide order dated 31.3.2006 passed in Crl.Misc.No.13669-M of 2006. Counsel for the petitioner contends that the allegation against the petitioner is only of conspiracy and the main allegation is against the co-accused, who have been granted bail by this Court. Counsel further contends that out 34 witnesses, only 16 witnesses have been examined and 18 witnesses still remain to be examined and the trial is not going to conclude soon.

The factual position regarding grant of bail to co-accused Om Parkash, Siri Chand and Devender has not been disputed. It is also not disputed that the allegation of committing the murder of Anita is against those accused, whereas allegation against the petitioner is only of conspiracy.

In view of the above facts and circumstances of the case, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioner and he is accordingly ordered to be released on bail to the satisfaction of the trial Court.

September 28, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE